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EXAMINER

LELE, TANMAY S

ART UNIT PAPER NUMBER

2684

DATE MAILED: 01/13/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/407,149

Applicant(s)

HENDERSON, P. MICHAEL

Examiner

Tanmay S Lele

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-19 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 October 2003 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 – 5, 9 – 19, and 21 – 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 23 is objected to because of the following informalities: "...wherein a the at least one user..." Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 3, 9, 10, 11, 13, 17, 18, 21, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Qureshey, World Intellectual Property Organization, WO 99/38266) in further view of Schindler et al. (Schindler, US Patent No. 5,867,223).

Regarding claim 1, Qureshey teaches of a method for receiving digital information and

Art Unit: 2684

transmitting the information in a localized area, comprising the steps of: receiving an audio communication as digital information from a remote source via the Internet (as seen in Figure 9 and detailed on page 2, lines 24 – 30 and page 12, lines 3 – 20); converting the digital information to analog information (as seen in Figure 9 and detailed on page 6, lines 19 – 24 and page 12, lines 3 – 20); broadcasting the analog information at low power in a localized area (as seen in Figure 9 and detailed on page 12, lines 3 – 20) and receiving the broadcast information in the localized area on a radio frequency receiver tuned to at least one frequency to permit listening to the audio communication (as seen in Figure 9 and detailed on page 12, lines 3 – 20).

Qureshey does not specifically teach of [a method for receiving digital information and transmitting the information in a localized area, comprising the steps of: receiving audio] communications from a plurality of streams [of as digital information from at least one remote source via the Internet; converting the digital information] from the plurality of streams [to respective analog information associated with each respective stream; broadcasting concurrently the respective analog information] associated with multiple streams from the plurality of streams of digital information [at low power in a localized area in at least one] multiple preselected radio frequencies chosen by at least one user; [and receiving the broadcast information] associated with the multiple streams [in the localized area] on multiple radio frequency receivers, each receiver tuned to at least one of the preselected frequencies [to permit listening to one of the audio] communications associated with one of the multiple streams (note the brackets are added for clarity in language and it is believed these limitations are taught by the cited; note further that Qureshey further makes references to multiple receivers on page 12, lines 11 – 12 and of the possibility of multiple data streams starting page 10, line 26 and ending page 5, line 5).

Art Unit: 2684

In a related art dealing with the localized dissemination of media, Schindler teaches of [a method for receiving digital information and transmitting the information in a localized area, comprising the steps of: receiving audio] communications from a plurality of streams (starting column 14, line 54 and ending column 15, line 3) [of as digital information from at least one remote source via the Internet; converting the digital information] from the plurality of streams [to respective analog information associated with each respective stream; broadcasting concurrently the respective analog information] associated with multiple streams from the plurality of streams of digital information (starting column 14, line 54 and ending column 15, line 3) [at low power in a localized area in at least one] multiple preselected radio frequencies chosen by at least one user (starting column 14, line 54 and ending column 15, line 3); [and receiving the broadcast information] associated with the multiple streams (starting column 14, line 54 and ending column 15, line 3) [in the localized area] on multiple radio frequency receivers, each receiver tuned to at least one of the preselected frequencies (starting column 14, line 54 and ending column 15, line 3) [to permit listening to one of the audio] communications associated with one of the multiple streams (starting column 14, line 54 and ending column 15, line 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Qureshey's localized audio dissemination system, Schindler's multiple data stream concepts, for the purposes of allowing users to receive different audio programming contemporaneously, as taught by Schindler.

Regarding claim 2, Qureshey in view of Schindler, teach all the claimed limitations as recited in claim 1. Qureshey in view of Schindler further teach of wherein the step of receiving

Art Unit: 2684

audio communications from a plurality of streams of digital information comprises receiving information through a means selected from the group consisting of digital subscriber line transmission, telephone line transmission, cable transmission, and satellite transmission (Qureshey: as seen in Figures 9 and 2 and detailed on page 4, lines 15 – 31 and page 5, lines 25 – 27 and Schindler: column 21, lines 5- 13).

Regarding claim 3, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 1. Qureshey further teaches that wherein the step of broadcasting comprises broadcasting in a radio frequency modulated waveband in the range[s] of [from] about 88 MHz to about 108 MHz (as seen in Figure 9 and detailed on page 12, lines 14 – 17) and an amplitude modulated waveband in the range of from about 540 kHz to about 1.6 MHz (as seen in Figure 9 and detailed on page 12, lines 14 – 17).

Regarding claim 4, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 1. Qureshey in view of Schindler do not explicitly show using a transmit power of 100 mW (though both do state “low power,” Qureshey on page 12, line 14 and Schindler in column 14, lines 54 – 59). The utilization of such a power level in localized AM or FM transmission systems is a matter of system preference and is very well known in the art (as specified by the FCC in Part 15, sections 15.219, 15.221, and 15.239 in this case), thus the Examiner takes “Official Notice” as such. Therefore it would have been obvious to one skilled in the art, at the time of invention, to combine Qureshey in view of Schindler with the specified transmission power limit in order for the broadcast to be localized (and in accordance with FCC guidelines).

Regarding claim 9, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 1. Qureshey further teaches of wherein the step of receiving digital information comprises receiving music as digital information (page 2, lines 16 – 18).

Regarding claim 10, Qureshey teaches all the claimed limitations as recited in claim 1. Qureshey further teaches of wherein the step of receiving digital information comprises receiving radio program content as digital information (page 9, lines 20 – 24).

Regarding claim 11, Qureshey teaches of an apparatus for receiving information and broadcasting the information in a localized area, the apparatus comprising: means for receiving digital information from a remote source via the Internet (as seen in Figure 9 and detailed on page 2, lines 24 – 30 and page 12, lines 3 – 20); means for converting the digital information to analog information (as seen in Figure 9 and detailed on page 6, lines 19 – 24 and page 12, lines 3 – 20); and means for broadcasting the analog information at low power in a localized area (as seen in Figure 9 and detailed on page 12, lines 3 – 20).

Qureshey does not specifically teach of [an apparatus for receiving information and broadcasting the information in a localized area, the apparatus comprising: means for receiving] a plurality of streams [of digital information from at least one remote source via the Internet]; [means for converting] the plurality of streams of [digital information to respective analog information] associated with each respective stream; [and means for] broadcasting concurrently the respective analog information of multiple streams of the plurality of streams [of digital information in a localized area] in multiple preselected radio frequencies [chosen by a at least one user] (note the brackets are added for clarity in language and it is believed these limitations are taught by the cited; note further that Qureshey further makes references to multiple receivers

Art Unit: 2684

on page 12, lines 11 –12 and of the possibility of multiple data streams starting page 10, line 26 and ending page 5, line 5).

In a related art dealing with the localized dissemination of media, Schindler teaches of [an apparatus for receiving information and broadcasting the information in a localized area, the apparatus comprising: means for receiving] a plurality of streams (starting column 14, line 54 and ending column 15, line 3) [of digital information from at least one remote source via the Internet]; [means for converting] the plurality of streams (starting column 14, line 54 and ending column 15, line 3) [of digital information to respective analog information] associated with each respective stream (starting column 14, line 54 and ending column 15, line 3); [and means for] broadcasting concurrently the respective analog information of multiple streams of the plurality of streams (starting column 14, line 54 and ending column 15, line 3) [of digital information in a localized area] in multiple preselected radio frequencies [chosen by a at least one user] (starting column 14, line 54 and ending column 15, line 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Qureshey's localized audio dissemination system, Schindler's multiple data stream concepts, for the purposes of allowing users to receive different audio programming contemporaneously, as taught by Schindler.

Regarding claim 13, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 11. Qureshey further teaches of comprising means for displaying user readable information (Figures 3A – 3E and page 5, lines 9 – 17 and starting page 7, line 19 and ending page 8, line 25).

Regarding claim 17, Qureshey teaches of a method for receiving digital information and transmitting the information in a localized area, the method comprising the steps of: receiving digital information from a remote source via the Internet (as seen in Figure 9 and detailed on page 2, lines 24 – 30 and page 12, lines 3 – 20); converting the digital information to analog information (as seen in Figure 9 and detailed on page 6, lines 19 – 24 and page 12, lines 3 – 20); and broadcasting the analog information at low power in a localized area (as seen in Figure 9 and detailed on page 12, lines 3 – 20).

Qureshey does not specifically teach of [a method for receiving digital information and transmitting the information in a localized area, the method comprising the steps of: receiving] a plurality of streams of digital information [from a at least one remote source via the Internet; converting] the plurality of streams [of digital information] to respective analog information associated with each respective stream; [and broadcasting] concurrently the respective analog information associated with multiple streams of the plurality of streams of digital information [in a localized area] in multiple preselected radio frequencies chosen by at least one user, wherein at least one of the preselected radio frequencies is a frequency modulated radio frequency (note the brackets are added for clarity in language and it is believed these limitations are taught by the cited; note further that Qureshey further makes references to multiple receivers on page 12, lines 11 – 12 and of the possibility of multiple data streams starting page 10, line 26 and ending page 5, line 5).

In a related art dealing with the localized dissemination of media, Schindler teaches of [a method for receiving digital information and transmitting the information in a localized area, the method comprising the steps of: receiving] a plurality of streams of digital information (starting

Art Unit: 2684

column 14, line 54 and ending column 15, line 3) [from a at least one remote source via the Internet; converting] the plurality of streams [of digital information] to respective analog information associated with each respective stream (starting column 14, line 54 and ending column 15, line 3); [and broadcasting] concurrently the respective analog information associated with multiple streams of the plurality of streams of digital information [in a localized area] in multiple preselected radio frequencies chosen by at least one user, wherein at least one of the preselected radio frequencies is a frequency modulated radio frequency (starting column 14, line 54 and ending column 15, line 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Qureshey's localized audio dissemination system, Schindler's multiple data stream concepts, for the purposes of allowing users to receive different audio programming contemporaneously, as taught by Schindler.

Regarding claim 18, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 17. Qureshey in view of Schindler further teach of comprising the step of storing at least one of the plurality of streams of received digital information before converting the digital information to the analog information associated with the at least one of the plurality of streams of received digital information (Qureshey: page 9, lines 7 – 14 and page 5, lines 21 – 24 and Schindler: starting column 14, line 54 and ending column 15, line 3).

Regarding claim 21, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 17. Qureshey in view of Schindler further teach of wherein at least one of the multiple preselected radio frequencies is a preselected amplitude modulated radio frequency

Art Unit: 2684

(Qureshey: as seen in Figure 9 and detailed on page 12, lines 3 – 20 and Schindler: starting column 14, line 54 and ending column 15, line 3).

Regarding claim 22, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 1. Qureshey in view of Schindler further teach of wherein the at least one user tunes one of the radio frequency receivers to one of the preselected radio frequencies (Qureshey: as seen in Figure 9 and detailed on page 12, lines 3 – 20 and Schindler: starting column 14, line 54 and ending column 15, line 3).

Regarding claim 23, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 1. Qureshey in view of Schindler further teach of wherein a the at least one user tunes a first radio frequency receiver to one preselected radio frequency and a second radio frequency receiver to a different preselected radio frequency (Qureshey: as seen in Figure 9 and detailed on page 12, lines 3 – 20 and Schindler: starting column 14, line 54 and ending column 15, line 3).

6. Claims 5, 12, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Qureshey, World Intellectual Property Organization, WO 99/38266) and (Schindler, US Patent No. 5,867,223) as applied to claims 1, 11, and 18 above, and further in view of Lang (Lang, US Patent No. 5,737,692).

Regarding claim 5, Qureshey and Schindler teach all the claimed limitations as recited in claim 1. Schindler further teaches of the broadcasting concurrently of respective analog information associated with multiple streams (starting column 14, line 54 and ending column 15, line 3).

Art Unit: 2684

Qureshey in view of Schindler do not specifically teach is initiated at a predetermined time chosen by the at least one user and in at least one frequencies chosen by the at least one user (though it should be noted that Qureshey makes provisions for an alarm clock, starting page 7 line 25 and ending page 8, line 2).

In a related art dealing with alarm clock circuitry, Lang teaches of is initiated at a predetermined time chosen by the at least one user and in at least one frequencies chosen by the at least one user (column 4, lines 43 – 58).

It would have been obvious to one skilled in the art at the time of invention to have included into Qureshey and Schindler's localized audio dissemination system, Lang's alarm clock circuitry, for the purposes of being alarmed at a specific time with music.

Regarding claim 12, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 11. Qureshey further teaches of means for programming the means for broadcasting (page 9, lines 20 – 33 and note provisions are made for an alarm clock, starting page 7 line 25 and ending page 8, line 2).

Qureshey in view of Schindler do not specifically teach of the means for programming comprising a program for setting a time to activate the means for broadcasting.

In a related art dealing with alarm clock circuitry, Lang teaches the means for programming comprising a program for setting a time to activate the means for broadcasting (column 4, lines 43 – 58 and column 2, lines 36 – 46; note provisions are made for an alarm clock, starting page 7, line 25 and ending page 8, line 2).

It would have been obvious to one skilled in the art at the time of invention to have included into Qureshey and Schindler's localized audio dissemination system, Lang's alarm clock circuitry, for the purposes of being alarmed at a specific time with music.

Regarding claim 19, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 18. Qureshey in view of Schindler further teach of wherein the at least one stored stream of digital information is converted to analog information associated with at least one stored stream (Qureshey: page 6, lines 19 – 24; Schindler starting column 14, line 54 and ending column 15, line 3).

Qureshey in view of Schindler do not specifically state of at a predetermined time (note provisions are made for an alarm clock, starting page 7, line 25 and ending page 8, line 2).

In a related art dealing with alarm clock circuitry, Lang teaches of at a predetermined time (column 4, lines 43 – 58 and column 2, lines 36 – 46; note provisions are made for an alarm clock, starting page 7, line 25 and ending page 8, line 2).

It would have been obvious to one skilled in the art at the time of invention to have included into Qureshey and Schindler's localized audio dissemination system, Lang's alarm clock circuitry, for the purposes of being alarmed at a specific time with music.

Regarding claim 24, Qureshey in view of Schindler and Lang, teach all the claimed limitations as recited in claim 12. Both Qureshey and Lang further teach of wherein the program prompts the user to specify the time to activate the means for broadcasting (Qureshey: page 8, lines 1 – 2 and Lang, column 2, lines 36 – 45 and column 4, lines 43 – 58).

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Qureshey, World Intellectual Property Organization, WO 99/38266) in view of

Schindler et al. (Schindler, US Patent No. 5,867,223) as applied to claim 11 above, and further in view of Dao et al. (Dao, US Patent No 5,915,207).

Regarding claim 14, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 11. Qureshey further teaches of the card receiving transmissions from the Internet and converting the transmissions to analog information for broadcasting (as see in Figure 9 and detailed on page 12, lines 3 – 20).

Qureshey in view of Schindler do not specifically teach of the means for receiving and means for converting are contained on a PCI card (though it should be noted that Schindler makes note of a PCI bus with a variety of cards connected to it in Figure 3A and alludes to a PC cards in column 11, lines 40 –49).

In a related art, Dao teaches of the means for receiving and means for converting are contained on a PCI card (column 5, lines 28 – 50; note Dao teaches these functions can be performed on a PCI card).

It would have been obvious to one skilled in the art at the time of invention to have included Qureshey and Schindler's localized audio dissemination system, onto Dao's PCI card, for the purposes of conserving space, as taught by Dao.

Regarding claim 15, Qureshey in view of Schindler teach all of the claimed limitations as recited in claim 11. Qureshey further teaches of means for receiving, means for converting and means for broadcasting (as seen in Figure 9 and page 12, lines 3 – 20).

Qureshey in view of Schindler does not specifically teach of contained on a PCI card (though it should be noted that Schindler makes note of a PCI bus with a variety of cards connected to it in Figure 3A and alludes to a PC cards in column 11, lines 40 –49).

In a related art, Dao teaches of contained on a PCI card (column 5, lines 28 – 50; note Dao teaches these functions can be performed on a PCI card).

It would have been obvious to one skilled in the art at the time of invention to have included Qureshey and Schindler's localized audio dissemination system, onto Dao's PCI card, for the purposes of conserving space, as taught by Dao.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Qureshey, World Intellectual Property Organization, WO 99/38266) in view of Schindler et al. (Schindler, US Patent No. 5,867,223) as applied to claim 11 above, and further in view of Bolas et al. (Bolas, US Patent 6,389,463).

Regarding claim 16, Qureshey in view of Schindler teach all the claimed limitations as recited in claim 11. Qureshey further teaches of means for storing received digital information (page 9, lines 7 – 14 and page 5, lines 21 – 24).

Qureshey in view of Schindler do not specifically state broadcasting at a later time.

In a related art dealing with an Internet radio receiver, Bolas teaches of broadcasting at a later time (column 2, lines 13 – 23 and column 3, lines 28 – 65).

It would have been obvious to one skilled in the art at the time of invention to have included into Qureshey and Schindler's localized audio dissemination system, Bolas delayed broadcast, for the purposes of listening to a program at one's convenience, as taught by Bolas.

Citation of Pertinent Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

| Inventor/Author | Publication | Number | Disclosure |
|-----------------|-------------|-----------|-----------------------------------|
| Kotani et al. | US Patent | 5,987,029 | Information collection system for |

Art Unit: 2684


| | | | |
|------------------|-----------|-----------|--|
| | | | information processor - receives file along bidirectional communication line corresponding to address extracted from received data |
| Schindler et al | US Patent | 5,838,384 | System for assigning multichannel audio signals to independent wireless audio output devices |
| Takahashi et al. | US Patent | 5,812,937 | Broadcast data system with multiple-tuner receiver |

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Tanmay S Lele
Examiner
Art Unit 2684

tsl
December 29, 2003


NAY MAUNG
SUPERVISORY PATENT EXAMINER